

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 5
Mtg. Date September 1, 2015
Dept. City Attorney

Item Title: Ordinance No. 431 - Lemon Grove Community Advisory Commission

Staff Contact: James P. Lough, City Attorney

Recommendation:

1. Introduce and conduct the first reading by title only of Ordinance No. 431 adopting the Lemon Grove Community Advisory Commission Ordinance (**Attachment B**).
2. Authorize the City Attorney to prepare a summary for publication and set the matter for second reading and adoption on September 15, 2015.

Item Summary:

The City Council has given direction to staff to prepare ordinance changes to the municipal code to re-task the Planning Commission into a Community Advisory Commission with permanent and temporary members. The Community Advisory Commission (CAC) will replace the Planning Commission and the City Council will assume planning duties once held by the Commission. The Community Advisory Commission will work on specific assignments delegated by the City Council involving any subject matter that the City Council seeks advice and counsel. Once this Ordinance is approved, staff will return with other implementing Ordinances.

Fiscal Impact:

None

Environmental Review:

☒ Not subject to review

☐ Negative Declaration

☐ Categorical Exemption, Section

☐ Mitigated Negative Declaration

Public Information:

☒ None

☐ Newsletter article

☐ Notice to property owners within 300 ft.

☐ Notice published in local newspaper

☐ Neighborhood meeting

Attachments:

- A. Staff Report
- B. Ordinance No. 431 - Community Advisory Commission
- C. Strike Out/Underline LGMC Chapter 2.08

**LEMON GROVE CITY COUNCIL
STAFF REPORT**

Item No. 5

Mtg. Date September 1, 2015

Item Title: **(Ordinance No. 431 - Lemon Grove Community Advisory Commission)**

Staff Contact: James P. Lough, City Attorney

Discussion:

Background

On January 20, 2015 and during the goal-setting workshop, Councilmembers weighed in on expanded roles of former members of the Planning Commission in the future. The ideas shared achieve goals of increasing community involvement and obtaining more input on policy issues. The ideas also continue support for the focus group concept.

The matter returned to the City Council on May 5, 2015. The City Council approved a proposal to re-task the Planning Commission by adopting the format laid out on page 5 of the Staff Report as follows:

Analysis:

The attached Ordinance eliminates the Planning Commission. In the absence of a specific authorization in a local municipal code, state law assumes that the City Council will serve as the City's Planning Agency. However, staff will need to bring back further ordinance changes to reflect the change in governance for the various duties held by the Planning Commission.

The Ordinance sets up a Community Advisory Commission ("CAC"). The CAC is made up of three permanent and a variable number of temporary members. The number and makeup of the temporary membership would change based upon the need of citizen-members as determined on an issue-to-issue basis by the City Council.

The CAC would serve the role as either a Committee or Focus Group with the permanent members serving in the leadership positions for the Committee (*i.e.* Chair and Vice Chair of the overall committee or focus group and chairs of any sub-groups formed). The purpose would be to provide more stability to the Committee/Group with less reliance on staff to assume a leadership role.

The Community Advisory Commission consists of three permanent members who shall be residents of the City. By resolution, the City Council can appoint additional members that serve for a limited duration (temporary) to assist the permanent members in the study of issues assigned to the Community Advisory Commission by the City Council. Limited duration members can be residents, business owners or property owners within the City.

Permanent members of the Commission shall be appointed by the City Council and shall serve for a period of three years, or until reappointment or appointment of a successor. Temporary members of the Commission shall be appointed for a limited duration by resolution of the City Council that establishes the task to be studied by the Commission or by subsequent resolution. The temporary Commission members shall serve for the length of time designated in the Resolution of the City Council establishing the matter to be studied or as amended by subsequent resolution of the City Council.

Attachment C

The Commission shall have all of the powers and duties established by state law, ordinances and resolutions, which the Council may enact. The City Council, acting as the Planning Commission in all matters, may delegate to the Commission advisory functions on a case-by-case basis by Resolution. It is the duty of the Commission to advise the City Council upon the amendment or revision of the General Plan when requested by the City Council.

Environmental Impact:

Pursuant to Public Resources Code Section 21065, this action does not constitute a “project” within the meaning of CEQA. The action has no potential to cause either a direct change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore does not require environmental review.

Conclusion:

Based on previous direction given by the City Council, Staff recommends that the City Council introduce Ordinance No. 431 by title and allow the publication of a Summary of the Ordinance in a newspaper of general circulation.

ORDINANCE NO. 431

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AMENDING AND RENAMING CHAPTER 2.08 TO ELIMINATE THE PLANNING COMMISSION AND ESTABLISH THE COMMUNITY ADVISORY COMMISSION IN CHAPTER 2.08 OF THE LEMON GROVE MUNICIPAL CODE

WHEREAS, on January 20, 2015, the City Council of the City of Lemon Grove considered various options related to the need for a Planning Commission and possible alternatives for community input; and

WHEREAS, on May 5, 2015, the City Council determined to assume the role of the planning agency of the City of Lemon Grove and begin the process to eliminate the Planning Commission and create the Community Advisory Commission as well as other changes in public noticing; and

WHEREAS, the Community Advisory Commission would consist of three permanent members and temporary members that are to be appointed on a case-by-case basis by subsequent Resolution; and

WHEREAS, the City Council desires to assume the role of planning agency as authorized by the California Government Code;

NOW THEREFORE, the City Council of the City of Lemon Grove does ordain as follows;

1. Lemon Grove Municipal Code Chapter 2.08 is amended to read as shown in Exhibit A (Attachment C), which is attached hereto and incorporated herein by reference.

INTRODUCED by the City Council on September 1, 2015. **PASSED AND ADOPTED** by the City Council of the City of Lemon Grove, State of California, on September 15, 2015 by the following vote:

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ATTACHMENT C

EXHIBIT A

PROPOSED LANGUAGE: (STRIKE OUT/REDLINE)

Chapter 2.08 ~~COMMUNITY ADVISORY COMMISSION~~~~PLANNING COMMISSION~~

2.08.010 Creation.

~~—The Community Advisory Commission (“Commission”) is created to advise the City Council on issues of community importance, under the terms and conditions established by resolution of the City Council. There is created in the city a planning commission referred to in this chapter as the commission. (Ord. 431 § 1, 2015; Ord. 52 § 1, 1980; Ord. 23 § 1, 1978)~~

2.08.020 Membership.

~~The commission~~Community Advisory Commission shall consist of ~~five~~three permanent members who shall be residents of the ~~city~~City. ~~By resolution, the City Council shall appoint additional members that serve for a limited duration (temporary) to assist the permanent members in the study of issues assigned to the Community Advisory Commission by the City Council. Limited duration members shall be residents, business owners and/or property owners within the City. (Ord. 431 § 1, 2015; Ord. 190, 1991)~~

2.08.030 Votes.

Each member of the ~~commission~~Commission, temporary and permanent, shall have one vote. (Ord. 431 § 1, 2015; Ord. 52 § 3, 1980; Ord. 23 § 3, 1978)

2.08.040 Terms.

~~Permanent m~~Members of the Commission shall be appointed by the City ~~council~~Council and shall serve for a period of three years, or until reappointment or appointment of a successor. ~~Temporary members of the Commission shall be appointed for a limited duration by resolution of the City Council that establishes the task to be studied by the Commission or by subsequent resolution. The temporary Commission members shall serve for the length of time designated in the Resolution of the City Council establishing the matter to be studied or as amended by subsequent resolution of the City Council. (Ord. 431 § 1, 2015; Ord. 294, 1999; Ord. 190, 1991)~~

2.08.050 Vacancies.

~~Vacancies in the permanent members of the Commission~~commission occurring other than by expiration of the term shall be filled by appointment by the ~~council~~Council upon recommendation by the Mayor. Vacancies of temporary members may be filled by subsequent Resolution of the City Council. (Ord. 431 § 1, 2015; Ord. 52 § 7, 1980; Ord. 23 § 7, 1978)

2.08.060 Res~~ignation~~ ~~tirement~~ upon unexcused absence.

Absence from three consecutive regular meetings of the Commission shall ~~may~~ be deemed ~~by the city council~~ to constitute a ~~resignation~~tirement of such member unless excused by the City Council. Unless an absence is excused, and the position shall be declared vacant. (Ord. 431 § 1, 2015; Ord. 52 § 8, 1980; Ord. 23 § 8, 1978)

Attachment C

2.08.070 Quorum.

~~A majority of voting members~~~~Three voting members~~ shall constitute a quorum at any meeting. (~~Ord. 431 § 1, 2015;~~ Ord. 52 § 9, 1980; Ord. 23 § 9, 1978)

2.08.080 Compensation.

Members ~~may~~~~will~~ be compensated at a rate established by the ~~city~~~~City council~~~~Council~~. (~~Ord. 431 § 1, 2015;~~ Ord. 191, 1991)

2.08.090 Powers and duties.

~~The Commission~~~~commission~~ shall have all of the powers and duties established by state law, ~~and by~~ ordinances ~~and resolutions~~, which the Council may enact. ~~The City Council, acting as the~~ planning body under State law, ~~may delegate to the Commission advisory functions on a case-by-case basis by Resolution.~~ (~~Ord. 431 § 1, 2015;~~ Ord. 52 § 11, 1980; Ord. 23 § 10, 1978)

2.08.100 Rules and regulations.

~~In absence of rules and regulations adopted by the City Council by Resolution,~~ ~~t~~~~The Commission~~~~commission~~ may prepare and adopt rules and regulations for the internal government of its business and designate the time and place for holding meetings. (~~Ord. 431 § 1, 2015;~~ Ord. 52 § 12, 1980; Ord. 23 § 11, 1978)

2.08.110 Plans.

~~It is the duty of the Commission~~~~commission~~ to ~~advise the City Council upon the amendment or revision of the General Plan when requested by the City Council.~~ ~~adopt a general plan, as defined by state law, for the physical development of the city and to make such other plans, studies and recommendations as it may deem necessary to insure an orderly and beneficial development of the city.~~ (~~Ord. 431 § 1, 2015;~~ Ord. 52 § 13, 1980; Ord. 23 § 12, 1978)

PROPOSED LANGUAGE: (CLEAN VERSION)

Chapter 2.08 COMMUNITY ADVISORY COMMISSION

2.08.010 Creation.

The Community Advisory Commission ("Commission") is created to advise the City Council on issues of community importance, under the terms and conditions established by resolution of the City Council. (Ord. 431 § 1, 2015; Ord. 52 § 1, 1980; Ord. 23 § 1, 1978)

2.08.020 Membership.

The Community Advisory Commission shall consist of three permanent members who shall be residents of the City. By resolution, the City Council shall appoint additional members that serve for a limited duration (temporary) to assist the permanent members in the study of issues assigned to the Community Advisory Commission by the City Council. Limited duration members shall be residents, business owners and/or property owners within the City. (Ord. 431 § 1, 2015; Ord. 190, 1991)

ATTACHMENT C

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Each member of the Commission, temporary and permanent, shall have one vote. (Ord. 431§ 1, 2015; Ord. 52 § 3, 1980; Ord. 23 § 3, 1978)

2.08.040 Terms.

Permanent members of the Commission shall be appointed by the City Council and shall serve for a period of three years, or until reappointment or appointment of a successor. Temporary members of the Commission shall be appointed for a limited duration by resolution of the City Council that establishes the task to be studied by the Commission or by subsequent resolution. The temporary Commission members shall serve for the length of time designated in the Resolution of the City Council establishing the matter to be studied or as amended by subsequent resolution of the City Council. (Ord. 431 § 1, 2015; Ord. 294, 1999; Ord. 190, 1991)

2.08.050 Vacancies.

Vacancies in the permanent members of the Commission occurring other than by expiration of the term shall be filled by appointment by the Council upon recommendation by the mayor. Vacancies of temporary members may be filled by subsequent Resolution of the City Council. (Ord. 431 § 1, 2015; Ord. 52 § 7, 1980; Ord. 23 § 7, 1978)

2.08.060 Resignation upon unexcused absence.

Absence from three consecutive regular meetings of the Commission shall be deemed City Council to constitute a resignation of such member unless excused by the City Council. Unless an absence is excused, the position shall be vacant. (Ord. 431§ 1, 2015; Ord. 52 § 8, 1980; Ord. 23 § 8, 1978)

2.08.070 Quorum.

A majority of voting members shall constitute a quorum at any meeting. (Ord. 431§ 1, 2015; Ord. 52 § 9, 1980; Ord. 23 § 9, 1978)

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Members may be compensated at a rate established by the City Council. (Ord. 431 § 1, 2015; Ord. 191, 1991)

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The Commission shall have all of the powers and duties established by state law, ordinances and resolutions, which the Council may enact. The City Council, acting as the planning body under State law, may delegate to the Commission advisory functions on a case-by-case basis by Resolution. (Ord. 431 § 1, 2015; Ord. 52 § 11, 1980; Ord. 23 § 10, 1978)

2.08.100 Rules and regulations.

In absence of rules and regulations adopted by the City Council by Resolution, the Commission may prepare and adopt rules and regulations for the internal government of its business and designate the time and place for holding meetings. (Ord. 431 § 1, 2015; Ord. 52 § 12, 1980; Ord. 23 § 11, 1978)

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It is the duty of the Commission to advise the City Council upon the amendment or revision of the General Plan when requested by the City Council. (Ord. 431 § 1, 2015; Ord. 52 § 13, 1980; Ord. 23 § 12, 1978)